

REMARKS

I. Status of Claims

First of all, Applicants would like to thank the Examiner for the courtesies extended during the October 8, 2003 personal interview. In this application, claims 1-4, 7, 10-14, 17, 18, 23, 24, 38-43, and 48 are pending. By this amendment, Applicants have cancelled claims 5, 6, 8, 9, 16, 19-22, 25-37, 44-47, and 49-55; claim 15 was previously cancelled in the Amendment under 37 C.F.R. § 1.111 dated May 6, 2003. Claims 1, 4, 7, 14, 38, and 48 have been amended. The amendments do not introduce new matter.

II. Claim for Priority

As indicated on the Claim for Priority filed July 12, 2001, the present application claims priority under 35 U.S.C. § 119 for the benefit of the July 13, 2000, filing date of French Patent Application No. 00 09224. A certified copy of the French application was filed July 12, 2001. Applicants respectfully request that the Examiner acknowledge this claim for priority and receipt of the certified copy of the French application in the next Patent Office paper.

III. Rejection Under 35 U.S.C. § 112, First Paragraph

The Examiner continues to claims 1-3, 10-24, and 38-55 under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter not described in the specification in such a way as to reasonably convey to one of ordinary skill in the art that the inventors, at the time the application was filed, had possession of the claimed invention. Office Action at 2. The Examiner asserts that "the expression 'cosmetically active

group' without [] partial or complete structure does not convey to one of ordinary skill in the art that applicants were in possession of the claimed subject matter." *Id.* at 3.

While Applicants continue to disagree with this characterization, for at least the reasons already of record, the term "cosmetically active group" has been deleted from pending claims 1 and 48, thus rendering the rejection moot.

IV. Rejection Under 35 U.S.C. § 112, Second Paragraph

The Examiner continues to reject claims 1-3, 10-24, and 38-55 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter Applicants regard as the invention. The Examiner asserts that "[w]hen the fourth bond is [a] cosmetically active group the expression lacks precision and clarity." Office Action at 5. As stated above, claims 1 and 48 have been amended so as to moot this grounds for rejection. Thus, Applicants respectfully request prompt allowance of the pending claims.

V. Rejection Under 35 U.S.C. § 102

The Examiner has rejected claims 45 and 46 under § 102 as allegedly anticipated by EP 0,159,628. The Examiner states that, because claims 45 and 46 are drawn to a composition, the functional language (i.e., "wherein said composition is effective to reduce the brittleness of human nails") at the end of the claim does not carry any patentable weight. Office Action at 6. Applicants respectfully disagree for at least the reasons already of record. Claims 45 and 46 have been cancelled by this amendment, rendering this ground for rejection moot. Applicants thus respectfully request the withdrawal of the rejection and prompt allowance of the pending claims.

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VI. Conclusion

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-4, 7, 10-14, 17, 18, 23, 24, 38-43, and 48 in condition for allowance. Applicants submit that the proposed amendments of claims 1, 48, and 49 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the final action by the Examiner presented some new arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the entering of the Amendment would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

If the Examiner believes a telephone conference could be useful in resolving any outstanding issues, she is respectfully invited to contact Applicants' undersigned counsel at (571) 203-2743.

Respectfully submitted,

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